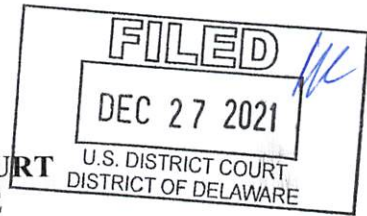


(Del. Rev. 5/2014) Pro Se Employment Discrimination Complaint

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**



Daniel Rivera

(Name of Plaintiff or Plaintiffs)

v.

Civ. Action No. 21-1825

(To be assigned by Clerk's Office)

Nemours A.I. DuPont
Hospital for Children

(Name of Defendant or Defendants)

**COMPLAINT FOR
EMPLOYMENT DISCRIMINATION**
(Pro se)

Jury Demand?

☒ Yes
☐ No

1. This action is brought pursuant to (check all spaces that apply):



Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.*, for employment discrimination on the basis of race, color, religion, sex, or national origin.



Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621, *et seq.*, for employment discrimination on the basis of age. My year of birth is: _____.



Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, *et seq.*, for employment discrimination on the basis of a disability by an employer which constitutes a program or activity receiving federal financial assistance.



Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, *et seq.*, for employment discrimination on the basis of disability.

2. Plaintiff resides at 6324 JACKSON ST

Philadelphia

(Street Address)

(City)

(County)

PA (State)

19135 (Zip Code)

267 582 5871

(Area Code) (Phone Number)

Attach additional sheets if more than one Plaintiff.

3. Defendant resides at, or its business is located at 1600 ROCKLAND RD

Wilmington

(Street Address)

(City)

(County)

DE (State)

19803 (Zip Code)

Attach additional sheets if more than one Defendant.

4. The discriminatory conduct occurred in connection with plaintiff's employment at, or application to be employed at, defendant's Nemours place of business

located at 1600 Rockland Rd (Defendant's Name)
Wilmington (Street Address)
 (City) (County) (State) (Zip Code) DE 19803

5. The alleged discriminatory acts occurred on 28, May, 2020
 (Day) (Month) (Year)

6. The alleged discriminatory practice ☐ is ☒ is not continuing.

7. On N/A, N/A, N/A, Plaintiff filed charges
 (Day) (Month) (Year)

with the Department of Labor of the State of Delaware: N/A
 (Agency)

(Street Address) (City) (County)
 (State) (Zip Code), regarding defendant's alleged discriminatory conduct.

8. On 16, MARCH, 2021, Plaintiff filed charges
 (Day) (Month) (Year)
 with the Equal Employment Opportunity Commission of the United States regarding defendant's alleged discriminatory conduct.

9. The Equal Employment Opportunity Commission issued the attached Notice-of-Right-to-Sue letter which was received by plaintiff on: 26, September, 2021
 (Day) (Month) (Year)

(NOTE: ATTACH NOTICE-OF-RIGHT-TO-SUE LETTER TO THIS COMPLAINT.)

10. The alleged discriminatory acts, in this suit, concern:

- A. ☐ Failure to employ plaintiff.
 B. ☒ Termination of plaintiff's employment. Plaintiff was terminated from employment on the following date: _____
 C. ☐ Failure to promote plaintiff. Plaintiff was refused a promotion on the following date: _____
 D. ☐ Other acts (please specify): _____

11. The conduct of Defendant(s) was discriminatory because it was based on (check all that apply):

- A. ☒ Plaintiff's race
- B. ☐ Plaintiff's color
- C. ☐ Plaintiff's sex
- D. ☐ Plaintiff's religion
- E. ☒ Plaintiff's national origin
- F. ☐ Plaintiff's age
- G. ☐ Plaintiff's disability

12. A copy of the charges filed with the Department of Labor of the State of Delaware and/or the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of plaintiff's claim.

(NOTE: ATTACH A COPY OF THE CHARGES FILED WITH THE DEPARTMENT OF LABOR OF THE STATE OF DELAWARE AND/OR THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION OF THE UNITED STATES TO THIS COMPLAINT.)

THEREFORE, Plaintiff asks the Court to grant such relief as may be appropriate, including but not limited to (check all that apply):

- A. ☐ Injunctive relief (specify what you want the Court to order): _____
- B. ☒ Back pay.
- C. ☒ Reinstatement to former position.
- D. ☐ Monetary damages in the amount of _____.
- E. ☐ That the Court appoint legal counsel.
- F. ☒ Such relief as may be appropriate, including costs and attorney's fees.
- G. ☐ Other (specify): _____

I/We declare under penalty of perjury that the foregoing is true and correct.

Dated: 12/23/21

The foregoing document was
acknowledged before me
on 23 day of Dec, 2021

[Signature]

Commonwealth of Pennsylvania - Notary Seal
MAYA WARE - Notary Public
Philadelphia County
My Commission Expires September 21, 2022
Commission Number 1340039

[Signature]

(Signature of Plaintiff)

N/A

(Signature of additional Plaintiff)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

21-1825

13. On June 8, 2020 I was told not to come into work so a WebEx meeting was scheduled. Following this meeting HRBP Tracy Sola told me that I was terminated based on my actions that occurred in the OR on Friday June 5, 2020 and it didn't matter if there was any documentation regarding poor work performance. I was told Nemours has no grievance policy for me to document my perspective. When I asked for clarification of my termination I was then told it was based on overall poor work performance and failure to follow the standards of behavior.

14. On or about the time of December 2019/January 2020 the entire Anesthesia department leadership had been promoted to new roles including myself. I was not trained, mentored or evaluated in a similar way. These employees were: Lead CRNA Leslie Jackson, Medical Director of Anesthesia Lynda Arai, Division Chief of Anesthesia Doyle Lim, and Clinical Director of Anesthesia Karie Steinmetz. I was due for a 90-day evaluation because of my promotion. These other associates received their evaluations on time and according to hospital policy. Their evaluations were not completed by a co-worker or past due. My previous evaluation had been signed by hiring manager Tim Cox prior to my promotion and this evaluation was completely different.

15. On May 28, 2020 I received my performance evaluation only one week prior to my termination and 2 months past due. My evaluation was due by the of March 2020 according to hospital policy, which was 90 days after my promotion to Lead Anesthesia Technician. The evaluation was not given to me or signed by my reporting supervisor. According to my position description I was to report to the Medical Director of Anesthesia Lynda Arai. My evaluation was given to me by my co-worker Lead CRNA Leslie Jackson.

16. On May 28, 2020 I received my performance evaluation from Lead CRNA Leslie Jackson and was told I was underachieving in both performance and behavior. The critical concerns given in the evaluation were already properly being performed prior to my evaluation but I was told if I still could not meet those concerns that I would relinquish the lead role. There were no discussions of ever being terminated.

The foregoing document was
acknowledged before me
23 day of December 2021

Commonwealth of Pennsylvania - Notary Seal
MIYA WARE - Notary Public
Philadelphia County
My Commission Expires September 21, 2022
Commission Number 1340039

Daniel Rivera

6324 Jackson st Philadelphia, PA 19135

Driviera247@gmail.com 267-582-5871

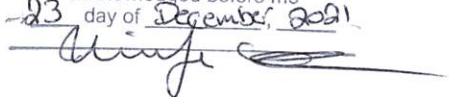
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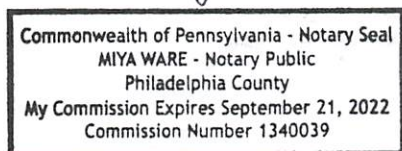
17. On January 28, 2020 I received my annual performance plan from 2019. In this evaluation my performance history was above satisfactory prior to my termination. I initiated many successful projects while in my position. On or about the time of October 16, 2019 I created a custom turnover circuit kit that would save the Anesthesia department about \$24k annually. They would also improve turnover efficiency and reduce waste. The circuits were to begin being distributed once we used up our current inventory. We began a trial of the electrodes to be used on January 31, 2020. After my promotion to Lead Anesthesia Technician I remained in communication with the vendor to provide leadership with updates.

18. I was due for another title change and increase in salary in the spring of 2020 based on the ownership responsibilities of my new role. The more ownership, the stronger the case will be for revisiting my job description and lead title. Next rung up for hourly paid teams is supervisor then manager. An email was sent to me on January 8, 2020 by Tim Cox my previous manager to confirm. I never received this title change or salary increase. I had inherited most of my retiring manager's duties before he retired. I was performing managerial duties my entire promotion.

19. On March 20, 2020 I initiated a Patient Experience Project to improve the identified problem of inefficient workflow productivity. This project was used for the entire Anesthesia department. I received positive praise for my project. This contradicts remarks written in my evaluation considered to be poor work performance.

20. On or about the time of April 17, 2020 I helped transition to an online virtual huddle board and also integrated the technicians schedule into the SpinFusion app to provide transparent communication to Anesthesia leadership. A daily email would be sent to staff and department leadership regarding supplies or any other issues using this virtual huddle board. The app was also being used as current practice by anesthesia providers and CRNAs for their scheduling. This provided great clarity for the department in regards of staff availability and supplies. I received positive feedback for this transition. This contradicts remarks written in my evaluation considered to be poor work performance.

The foregoing document was
acknowledged before me
23 day of December, 2021




Daniel Rivera

6324 Jackson st Philadelphia, PA 19135

Driviera247@gmail.com 267-582-5871



12/23/21

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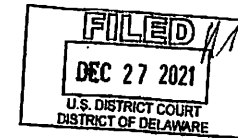
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FROM:

Daniel Rivera
6324 JACKSON ST
Philadelphia PA 19135

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